purpose it is necessary to hold a preliminary survey of the area and find out the practicability of a continuous trace which may be taken up immediately. The investigation of the realignment is estimated to cost Rs. 5,000 for which there is no provision in the budget. An additional allotment of Rs. 5,000 is therefore required under "B-6-Unforeseen charges".

I request the allotment may be granted.

Demand put and carried

LEGISLATIVE BUSINESS—GOVERNMENT BILLS

1. The Cochin Payment of salaries and Allowances Act (Amendment) Bill

Mr. B. V. K. Menon *(Chief Secretary to Government):* I request that the Cochin Payment of Salaries and Allowances Act (Amendment) Bill be read in Council.

Mr. M. Sivarama Menon *(Advocate-General):* I second it.

Mr. B. V. K. Menon *(Chief Secretary to Government):* There are three items in this Bill. One is the payment of salary to the non-official members of this House announced by His Highness the late Maharaja and which had its genesis in a motion passed by this House that the Members of the House should be paid a salary in addition to travelling allowance that is now being paid.

The second one is the enhancement of the salary now given to the Deputy President by increasing it from Rs. 1,200 to 2,000 per year. Government also thought that it is time to consider whether any enhancement is not necessary to the emoluments now sanctioned to the Hon'ble Minister. From the various reports in the Press Government thought there is a volume of opinion that an enhancement in the salary of the Hon'ble Minister is also necessary. And that also is proposed in this Bill. Government certainly, as usual, would not be taking part in the discussion about this and would be guided by the opinion of this House in this matter and this is included in the Bill so that the members will have an opportunity to express an opinion in this regard. I do not think that any further explanation on the clauses of the Bill is necessary at this stage.

*Mr. P. Govinda Menon *(Ernakulam):* Mr. President, Sir, I wish to offer a few remarks at this stage about the principles underlying the three important provisions made in the Bill pre ented for the consideration of this House. The Bill seeks to provide a salary to the non-official members of this House. That demand has been made more than once on the floor of this House, and I believe, it is in persuance of the vote of this House that a salary for the non-official members must be provided for by Government that this provision has been made in the Bill now before the House. With respect to the enhanced salary, provided for the Hon'ble Minister, I wish to draw the attention of Government and other non-official members of this House as to the history behind the present salary of the Minister which is fixed at Rs. 500. When the present Constitution Act was passed in the year 1113, and for the first time we got a Rural Development Minister from among the non-officials, Government first of all framed rules under section 6 (3) of the Government of Cochin Act under which, tentatively, the salary of the Minister was fixed at Rs. 850 per mensem. But in the very rules framed by Government it was stated that these rules shall be in force until an act of the Cochin Legislature was passed determining the salary and allowance of the Minister; snd in the Budget Session of 1113, Government introduced a Bill fixing the salary of the Minister at the figure of Rs. 850 per month. After introducing the Bill, Government made it abundantly clear, by authoritative pronouncements on the floor of the House, that this Bill is only a Government Bill by way of formality, and it is for the non-official members to decide what shall be the salary which they will give to their Minister. Two amendments were proposed to the figure of Rs. 850 provided for in the Bill. One amendment was introduced by a Member of the party to which then I had the honour to belong and from which party the then Minister was elected. We wanted to fix the figure at Rs. 500. per month. There was another amendment which though that even Rs. 500 was too high and I believe the Hon'ble veteran member from Chittur, moved an amendment that it shall be fixed at the figure of Rs. 300. Non-official members voted on the measure and it was decided that Rs. 500 shall be the proper salary for the Minister. Certain allowances also were provided for the Minister. It is well known that he is given either a free house or Rs. 75 in lieu of a House and Rs. 100 as a car allowance, and certain additional allowances also

*Speech not corrected by the Hon'ble Member.

LIBRARY ARCHIVES Kerala Legislative Assembly

provided, for in the rules. I, for my part, do not think that there has been any occasion for the Government to bring a Bill now to reconsider the salary fixed for the Minister by non-official Members. Unlike in the case of a salary for the members, to the best of knowledge or information there has been no demand from any section of t is House to Governmt for a re-consideration of the salary fixed for the Minister. There has been Press reports about this matter—a very violent controversy so as to say in the Press as to whether there should be an enhancement of the salary of the Minister or whether the salary should be at the figure at which it is placed to day. I do not know how that controversy arose, what occasion there was for such a controversy and how there was the smoke without some fire somewhere. I wish to know whether the fire was within the Government benches themselves or somewhere outsid. Whatever that may be, I think that it is not proper, at this stage, for th s House to reconsider a revision of the salary of the Minister. I wish to make it perfectly clear that if, on account of the changing situation, the allowances given tothe Minister are inadequate, a proper revision of the allowances given to the Minister will be one which this House would welcome. For example I think that the Minister must get allowances on the same scale on which allowances are being paid to the Diwan, because the Minister is, more to us another Diwan so far as the departments transferred to him are concerned. Therefore, myself and I believe every other Member of this House will agree to the proposition that the Minister should be given the same allowances as are given to the Diwan from time to time. I think there will be amendment and other proposals when the clauses of the Bill are put to vote one by one—I wish to make these observations at this stage when the Bill is taken up for consideration.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Mr. President, I rise to a point of order. The point of order is this. This Bill seeks to enhance the Salary of the Minister and that the Deputy President and to give a consolidated allowance to the Hon'ble Members of this House. It is a Bill, Sir which cannot be and therefore should not have been brought before this House by the Government at all. Now, as observed by the Hon'ble leader of the Praja-mandalam Party, soon after the Constitution Act was passed and as provided for in the Act, rules were framed fixing the salaries of the Hon'ble Minister, the Hon'ble Deputy President and the allowances payable to the Hon'ble Non-official members of this Council till provision was made in that behalf by an Act of the Legislature. Incorporating the provisions of these rules regarding these emoluments a Bill was actually brought in by the Government at the very first meeting of the Council fixing the salary of the Hon'ble Minister at Rs. 850 a month, that of the Deputy President at Rs. 2,000 a year and the allowances to the Hon'ble Minister and Hon'ble non-official members at the rates allowed to first class officers under C.S.R. As already referred to by my Hon'ble friend Mr. P. Govinda Menon, this Hon'ble House after elaborate discussion fixed the salary of the Hon'ble Minister at Rs. 500 a month with a car allowance of Rs. 100 and house allowance of Rs. 75 a month and that of the Hon'ble Deputy President at Rs. 1,200 per year. That Bill, Sir, has become Act XXXI of 1113, the Cochin Payment of Salaries and Allowances Act. Now if any change is to be introduced in that Act the motion must start, according to me, my reading of this section of the Constitution Act tells me, Mr. President, from this side of the House, from the non-official side of the House, from any member of the House whether nominated or elected, and not from the Government. The Government, as such, according to me, cannot have any part in this matter of fixing the salary and allowances of the Hon'ble Minister, the Hon'ble Deputy President and the Hon'ble non-official members of this house. The object and reasons stated here clearly say "it seeks to revise and to fix the salaries of the Minister and the Deputy President at Rs. 850 per month and Rs. 2,000 per year respectively since Government consider that their salaries need revision". No further elucidation is necessary to show that this Bill is actually brought forward by the Government of Cochin as distinct from the nominated member in his official capacity that the Chief Secretary Mr. B. V. K. Menon is. I may not even object to this Bill being introduced by any nominated Member who is a Government servant in his individual capacity but not representing the Government. So, I submit, Sir, that the Government should not have brought this Bill into this Council. That in shot, is my point of order. Government should not have and ought not to have any such right. I would in this connection, invite, Mr. President, your kind attention, in elucidation of my point, to section 6 clause 3, to section 19 clause 5 and section 23 of the Constitution Act. These sections say in most unambiguous terms that these "emoluments shall be fixed by the Act of the Legislature". The Government evidently, is not the Legislature. I hope the Government will be persuaded to withdraw from this illadvised and improper activity of theirs which I consider to be a transgression upon the privileges of the non-official members of this House. I pray, Mr. President, for a ruling on this point.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. M. Sivarama Menon *(Advocate-General)*: The point of order was raised by the Hon'ble Member for Vadakkancheri as to whether the Government has got any right to introduce this Bill. The answer of the Government to that point of order is found in sub-section (3) of Section 6 of the Government of Cochin Act. "The salary and allowances are to be provided for by an Act of the Legislature". The non-officials alone do not constitute this Legislature. The official members also form an integral part of the Legislature, since Government members also form part of the Legislature, they are entitled to move Bills. There is absolutely no reference in sub-section (3) of Section 6 that a Bill of this nature can be tabled only by the non-official members of this House.

Rao Bahadur T. S. Narayana Ayyar *(Nominated)*: Mr. President, I do not agree with the Hon'ble Member for Vadakkancheri when he says that this Bill, in so far as it seeks to revise the allowances paid to the non-official members is not in order. Section 23 of the Government of Cochin Act gives power to the Legislature to determine the allowances payable to members *from time to time*. The Bill only seek to implement, the order of Government accepts a cut motion passed unanimously by this House regarding allowances for non-official Members. With regard to the salary of the Minister and of the Deputy President I do not, at this stage, want to to go so far as to say that the Bill is ultra vires of the powers under the Act. I agree with the Hon'ble Member for Ernakulam in thinking that a proposal to revise the salary of the Minister, should emanate from the non-official side of the House and not from the Government. But I understood the Chief Secretary to Government to say that this was only a Government Bill "for formality's sake" and Government would be guided by the wishes of the non-official members. I think it is a very proper position to take.

Mr. K. Balakrishna Menon *(Cheruthuruthi)*: My point in rising is not to say anything about the point of order raised by the Hon'ble Member for Vadakkancheri; but it is only just to place before this House the attitude of my party, especially in the light of the reference to "the smoke and fire" referred to by the Hon'ble Member for Ernakulam. Let me at the outset say so far as the Nationalist Party is concerned there has been no scope for either fire or smoke. We are fully conscious of the sanctity of the decision of this House. For the first time in the annals of this Council, we showed the public as well as the Government what the representatives of the people would do when the control of money is transferred to them. In that sense it is a sort of living and standing invitation to the Government to transfer more control of money. It is also a guarantee to the Government that public money would be used with the utmost care and caution. Thus, Sir, we are fully conscious of our duty which we owe to the House and the public. We realise equally, as our Hon'ble Member for Ernakulam, that there is a particular moral force attached to this Council's decision which we may assure him, as well as this House, we have no idea in whatever manner to disturb. If at all we have got a complaint against the Government, I do not know on what basis the Government contracted the idea to increase the pay of the Minister. If the position of the Minister is on a par with that of the Diwan I fail to understand why there is a disparity, if at all, the disparity should be in favour of the Minister. The Hon'ble Minister has been selected by the people and then appointed by His Highness. I may at the same time say that as a matter of fact the eminence of his office is something which cannot be measured in terms of money, much less can it be valued at a figure of Rs. 850. Therefore we also are not honestly anxious to increase it to Rs. 850.

I think, I am constrained to make this observation, because of the particular shape the discussion has assumed. We hold that public money should be spent for the maximum good of the maximum number of the people and not for the gratification of any particular individual however eminent he may be. We further hold that this Rs. 350, *i.e.*, over and above the Rs. 500, over and above the salary of the Minister, that he can be equated to 350 meals for 350 poor persons which in our view is to get more important. But this is only one side of the picture. On the other side, at the time when the Council arrived at the figure of Rs. 500 the purchasing power of money was higher and the cost of living was cheap. Now the cost of living has increased. In its inverse ratio if you work it out, you get 166 and odd rupees. From out of this the Minister has to pay the professional tax as well as Income-tax. I also understand he has to pay the water tax. And then, Sir, there are other incidental expenses. Of course there is nothing wrong in placing it before the House. There is the Subscription Hunter. If you refuse, Sir, to pay him you are considered a miser. If you start paying him and his type you become a pauper; so you are in a dilemma. Now so far as my party is concerned including the Minister, we do not intend to take part in the voting. We would leave it to the good sense of the Hon'ble Members on a principle. Of course, there is nothing wrong in people taking it that we are interested. It is only an elementary rule of law, that it is not competent for one to sit in judgment when one's own case is being pressed. My role therefore is only to address

LIBRARY ARCHIVES Kerala Legislative Assembly

you on the merits as though before a Jury. You are the Jury. We constitute you as the arbiter of his pay. After all the Minister is not exclusively ours. He is yours also. (Hear, hear).

Mr President: Does the Hon'ble Member for Vadakkancheri want a ruling on this point?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I solicit one, Sir.

Mr. President: Having considered the observations put forward by the Hon'ble Member and also the statement made by the Hon'ble Advocate-General, I am perfectly satisfied in my mind that this Bill is not out of order.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Thank you, Sir.

Motion put and carried

Secretary to the Council: The Title of the Bill is the Cochin Payment of Salaries and Allowances Act (Amendment) Bill.

Mr. B. V. K. Menon *(Chief Secretary to Government):* I request that the Standing Order No. 32 may be suspended and the Bill taken into consideration now.

Mr. President: Any objection?

Mr. P. Govinda Menon *(Ernakulam):* No objection.

Mr. President: I suspend the Standing Order.

Mr. B. V. K. Menon *(Chief Secretary to Government):* I move that the Bill* be taken into consideration.

Mr. M. Sivarama Menon *(Avocate-General):* I second it.

Motion put and carried

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Sir, I move that clause 2 as appearing here be omitted, and for section 2 of the "Cochin Payment of Salaries and Allowances Act", not clause 2 of the Bill, but section 2 of the Act, XXXI of 1113 the following be substituted. My amendment, Sir, reads thus.—"Omit the whole clause and substitute for section 2 of the Act the following."—

"There shall be paid to every Minister a salary of Rs. 500 per mensem. Every Minister shall be housed in well-furnished and well-maintained Government quarters and he shall have placed at his disposal a good State Car at Government cost. He shall also be entitled to daily allowances drawn by the Diwan from time to time."

In the existing Act, Act XXXI of 1113, we have provided for the payment of a salary of Rs. 500 for the Hon'ble Minister, Rs. 75 house allowance, and Rs. 100 car allowance and according to the existing section 4, we the non-official members and the Hon'ble Minister are to draw the allowances granted to the first class officers under the C.S.R. That is as things are obtained to day. I want that section 4 so far as it relates to the Hon'ble Minister as also section 2 of the existing Act to be modified as stated in my amendment. I also want every Minister—I contemplate a plurality of Ministers and the avoiding of an amending Act when in the near future we are going to have a plurality of Ministers and therefore I make provision for it even now—to be housed in a well furnished and well maintained house. The existing Act provides for a house rent of Rs. 75. Very recently the Hon'ble Minister has been housed in what is known as the "Minister's House". I congratulate the Government for that provision made by the Government and say that every House should be well-furnished and well-maintained at the cost of the Government. He is also given a car allowance of Rs. 100 now. Even in normal times a chauffeur will have to be paid Rs. 50 minimum and what is left for the fire for the running of the car mainly petrol is only Rs. 50. If the Hon'ble Minister wants to do what he is expected to do certainly Rs. 50 is very very little for meeting the cost of petrol. If he is not going to be an arm-chair politician doing things through his party secretaries, by dictating notes and taking notes and not moving among the villagers for whose welfare alone our gracious Highness has been pleased to give us a Minister for the time being with a sure prospect of more Ministers in the near future, he has certainly to do a lot of travelling. It would have been better if he walks the villages. Then only will he understand the miserable plight in which the villagers are placed. But that for various reasons is not possible. What I therefore suggest through this part of the amendment is that the expenses of maintaining the car should be completely met by the Government—the chauffeur, petrol and everything that the maintenance of a car means. Now he is given a car, very good. But, as in the case of all State Cars, the petrol

* Appendix III.

LIBRARY ARCHIVES Kerala Legislative Assembly

consumption is very high. If he moves about in a small car it will give a higher mileage but if his status requires that he must move about in a car that gives only a mileage of 15 miles per gallon let him move about in that. The high position which the Hon'ble Minister occupies calls for a well-furnished and well-maintained house and I believe my Hon'ble friends will agree with me. The house of the Diwan is being furnished in a particular manner and I want the house of the Hon'ble Ministers also to be furnished in the same style. Let there be equality. The Hon'ble Minister is addressed by the Diwan as his colleague. "Colleague" has its own meaning in the English Dictionary. What is applicable to the Diwan must be applicable to the Minister who is our representative, the peoples' representative. The house must be well-furnished, there must be a good garden, gardeners—it must look as the house of the Hon'ble Minister who is the representative of the people. He must not be made to pay for these out of the monthly salary of Rs. 500. This Rs. 500 is the amount that is paid to him just to live the life that he ought to *live*. This amount is not given to him to increase his bank balance—I have no quarrel if he keeps a bank balance out of other amounts. This Rs. 500 is intended for a particular purpose and from that these expenses namely maintenance of the car and the up keep of the house should not be made to be met. That is the purpose of this amendment, and it is to keep the diginity of the Ministers.

Now Sir, the reduction from this Rs. 850 to 500 is a thing for which an explanation is necessary. Everybody knows that the Minister is not the Minister for getting a fat salary. That is not the idea of the Ministers or of Ministership. A Minister's place is coveted, if it is coveted at all, for the dignity which is attached to it, more than the dignity, it is for the opportunity that this office afford for doing service to the villagers who are the backbone of the country—that is the dignity of the office, that is the institution of the Ministership which it connotes. Therefore it should not be measured in terms money; as observed by the Hon'ble Member for Cheruthuruthy, it is an insult to measure the Ministers now and hereafter at Rs. 850 and if he is to be measured, which should not be, he has to be measured in a five figure digit. That is the position which the Minister occupies. Therefore what I submit is the Ministership is not for the salary that is paid, it is the dignity of the office, it is the service that he can render sitting there and moving about, to the brother citizens of Cochin. That being so, I am sure that the present Hon'ble Minister will not be chagrined at this reduction at all. The Hon'ble Deputy Leader has stated that his party won't participate in the voting, his party inclusive of the Hon'ble Minister. Very good, let it be so. The amount of Rs. 500, as pointed by the Hon'ble leader of the opposition, was fixed after a regular tug-of-war between 19 Ministerialists —Cochin Congress—and the opposition the State Congress numbering 18. The State Congress amendment upon the 850 figure of the Government was moved by, as stated earlier, by the veter an of this House my Hon'ble friend from Chittur. I shall invite every Hon'ble Member of this House who has not—if there is any-one like that—to read the passage appearing in the proceedings of the Council on the 15th July 1939 when my Hon'ble friend moved that amendment; it is a peace of literature worth reading, full of matter explaining the real position of the Hon'ble Ministers. True, the party that was stronger, the party that was in power then, the Cochin Congress, succeeded in puting it at Rs. 500. Let the salary of the Hon'ble Minister that we have now as also that of the Hon'ble Ministers we will have here very soon be only Rs. 500 and let them be statisfied with Rs. 500; but with no liability to spend out of that amount to anything at all maintaining the car or maintaining the house. The proper upkeep of the house and the car should be attended to by the Government. Travelling and daily allowances should be the same as those for the Diwan. That is the picture of the present Minister and the future Ministers that I want to be maintained here. Hence this amendment. I commend it for the acceptance of this House, unanimously.

***Mr. P. Govinda Menon** *(Ernakulam)*: Sir, I wish to make two observations about the amendment moved by the Hon'ble Member from Vadakkancheri, I wish, first of all, to point out that the amendment moved by the Hon'ble Member is out of order, because we have got here first of all the Payment of Salaries Act of 1113, which is the main Act. Upon a certain section of that Act, an amendment is moved by the Goverment Secretary. That occasion cannot be made use of by the Hon'ble Member for Vadakkancheri to move another amendment to the original clause. That is my objection. Here, what the Hon'ble Member seeks to do is to take this opportunity to move an amendment to section 2 of the Payment of Salaries and Allowances Act. He is not justified in doing it. That is the point of order I have raised. He may either

*Speech not corrected by the Hon'ble Member.

LIBRARY ARCHIVES Kerala Legislative Assembly

accept the amendment moved by the Government or oppose it. No amendment can be moved to the original clause at this opportunity; for that a proper notice has to be sent, the amendment bill must go through the several stages through which any other Bill must go. That is the point of order.

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I think that the objection raised by the Hon'ble Member for Ernakulam is real in this sense: The existing section 2 speaks about the salary being Rs. 500 per mensem and a house allowance of Rs. 75 and a conveyance allowance of Rs. 100. The effect of accepting the amendment or discussing the amendment tabled by the Hon'ble Member for Vadakkancheri will be to change the principle involved in section 2 and charge the entire housing expenses including the rent, furniture, and everything, on the revenues. Therefore, in principle there is difference between the section as it exists now and the amendment as tabled by the Hon'ble Member. If section 2 is to be substantially amended, then the amendment must be not by way of a substitution, because the existing section contains a provision of Rs. 500 per mensem. This is really not an amendment to an amendment. It involves a different principle, because the house rent of Rs. 75 is a definite fixed figure, the conveyance allowance of Rs. 100 is a fixed figure, and the expenditure may go beyond those figures by accepting the amendment tabled by the Hon'ble Member for Vadakkancheri. Therefore, in this sense the objection has force. So far as the Government are concerned, they are remaining neutral at this stage. I must point out that the wording of the amendment as tabled is not at all happy and it requires changes in several respects. When the principle is discussed, the points would become clearer and we can then table amendments wherever necessary.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Sir, I fully appreciate from a technical stand-point, the objection raised by the expert, the Hon'ble Leader of the Opposition, as also I appreciate the way out of the difficulty pointed out by the Hon'ble Member for Law. If it is agreeable to the House, inclusive of my hon'ble friend, any appropriate amendment verbal may be made, keeping the spirit of my amendment. I do concede that it is an amendment of the original Act which can be easily amended, by changing the wording of my amendment. It can be done even at the third reading if the House is agreeable. So, the pay of the Minister is to be Rs. 500, but let the car be maintained by the Government. I am agreeable to any practicable course; I want to see the Hon'ble Minister as a Minister of the people and able to work as a Minister. That is my point. I am agreeable to any course.

Mr. President: I should like to have time to consider whether this amendment has been in order or not. In the meantime, I do not want to stop discussion on the merits.

*__Mr. P. Govinda Menon__ *(Ernakulam):* On the merits, Sir, as I stated in my speech, I am for radically revising the allowances given to the Minister. According to the rules now laid down in section 2 of the original Bill, a house allowance of Rs. 75 and a conveyance allowance of Rs. 100 are given. But as pointed out by the Hon'ble Member for Law, this amendment moved by the Hon'ble Member for Vadakkancheri cannot be accepted, because it says: "Every Minister shall be housed in well-furnished and well-maintained Government quarters....." These words can scarcely find a place in any legislation, because our statutes must contain strict and precise terms. A well-furnished house and all those things are things which cannot properly find a place in the legislation. Now, I do not think there is any occasion for the amendment also because I understand the Government have already acquired a plot and a house and it is known as the "Minister's House". I believe what would be done is to fix a rent of Rs. 75 for the building and credit it to the Minister's allowances provided in the legislation. If this is so, there is no reason why the amendment as proposed by Mr. Kumaran Ezhuthassan should now be moved, because the matter is already settled and has become an accomplished fact. Therefore, the provision in the amendment moved by the Hon'ble Member for Vadakkancheri relating to the well-furnished and well-maintained Government house, that can very well afford to go. And with regard to the Government maintaining the car, there also the amendment as it stands is one which is not acceptable to me or to my party. Because as I stated earlier, in the course of my speech, we are prepared to concede that the car allowance of Rs. 100 paid to the Minister is most inadequate. It is preposterous to expect that any Hon'ble Minister should move about in the country as he is expected to do on a car allowance of Rs. 100. At present, the salary of the driver, I believe, has to be paid by the Minister.

*Speech not corrected by the Hon'ble Member.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. Parambi Lonappen *(Minister for Rural Development):* It was paid by me before but for the last 1½ months, a driver has been given by the Government.

Mr. P. Govinda Menon *(Ernakulam):* If that is so, we are against the amendment moved by the Hon'ble Member for Vadakkancheri, because the proposals that we have to place before the House is that the Minister must be provided with Government car and a driver to drive that car. And the petrol allowance given to him cannot be an indefinite and unlimited quantity as contemplated for by the Hon'ble Member for Vadakkancheri, because unlike the Diwan, the Minister, from time to time will, be a politician and it may not be proper to give an indefinite amount by way of petrol to any Minister, whoever he may be. I mean no reflection to any individual—let it be perfectly understood. We are on principle. If a driver is being supplied by Government and if the driver is paid by the Government, we are for the present amount of Rs. 100 as car allowance. If it is pressed, we have to vote against the amendment moved by the Hon'ble Member for Vadakkancheri.

And what remains of the amendment is, we are for Rs. 500 and not for raising it to Rs. 850. We have to oppose that amendment. As I stated already, we are for increasing the daily allowance of the Minister to that of the Diwan, to the scale at which the Diwan is getting it and if we want to effectuate our purpose, we have to adopt the necessary amendment and if it is not possible now, I suggest that an amendment may be made in due course. We will ourselves move an amendment or somebody else may. But let me state categorically that we are for revising the daily allowance given to the Minister and we want to raise it to the scale at which the Diwan is getting it. For that an amendment to section 4 has to be moved. I believe the Government themselves may do it, if they wish to abide by the wishes of this House.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I would like to know, Sir, the position of the Government as regards this.

Mr. B. V. K. Menon *(Chief Secretary to Government):* I said at the beginning that we are not participating in the voting.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Mr. President, with the attitude taken up by the Prajamandal Party and the present position in the House, I do not think it would be profitable to put the matter to the vote, but shall try to achieve the purpose by other methods. Of course, the Prajamandal Party seems to be amenable to the Minister having a car, plus a driver, plus a car allowance. Thus far they are agreeable. I am also agreeable.....

Mr. President: That is what he has got now.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* For the last 1½ months it is said he has got the driver, but it is not in the present Act.

Mr. President: Do I understand that the Hon'ble Member is withdrawing his amendment?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* What he suggested is Rs. 850 will be converted into Rs. 500, that amendment I want to press.

Mr President: If the Hon'ble Member merely wishes to retain Rs. 500 instead of Rs. 850 which appears in the Government amendment, he has only to vote against the Government amendment.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* There is this assurance of the driver I believe. Should that not be in the Act?

Mr. P. Govinda Menon *(Ernakulam):* He is there already.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Sir, I had better not press the amendment now.

Mr. President: The Hon'ble Member must decide once for all.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Sir, I beg leave of the House to withdraw this amendment in the light of the discussion and all that it means.

Amendment, by leave, withdrawn

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Mr President, Clause 2, as it stands I oppose.

Clause 2 put and lost

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Sir, I move that the following amendment be made to clause 3.—

LIBRARY ARCHIVES Kerala Legislative Assembly

Omit sub-clauses 1 and 2 to clause 3 and add at the end of section 3, the following.—

"He shall be housed in well-furnished Government quarters and he shall have a State Car with a chaprasy placed at his disposal from the time he arrives at the seat of the Council till his departure therefrom".

Now, Sir, what this amending Bill sponsored by the Government proposes to achive is to seemingly raise the salary of the Hon'ble Deputy President from Rs. 1,200 to Rs. 2,000 a year. But if all that follow is taken into consideration, if for example clause 4 of the amending Bill is passed as it is, then the Hon'ble Deputy President is a loser to the extent of Rs. 200, for he is not allowed the allowances now allowed to the non-official members if the amendment to clause 4 is passed. Therefore, he has to be satisfied with Rs, 2000 instead of Rs. 1200 per annum plus the allowances, whatever that be, allowed to the Hon'ble non-official members. So in the ultimate analysis the Hon'ble Deputy President is to be a loser. Why should that be so I fail to understand. My idea Sir, is that the Hon'ble Deputy President should be allowed to have his present Salary of Rs. 1200 and he should also, as in the existing Act, be allowed to draw whatever allowances are hereafter to be paid to the Hon'ble non-official members of this House.

In addition to that I want to see that the dignity of the Hon'ble Deputy Presidents' office which I consider to be the highest office in the State I have given expression to this idea many times before is well maintaired. To keep up the dignity of the place it is not enough if he be housed in the Nation Hotel or in a small room in the T. B. or in that pandemonium the home of the M.L.C.s when he is here, but he should be living in a house that befits the stats of the Hon'ble Deputy President who is the custodian of the rights and privileges of the House. His residence must proclaim that it is the Hon'ble Deputy President of this Hon'ble House who lives there. When he is proceeding to the Council hall everybody should know that it is the Hon'ble Deputy President who is going. For that purpose, when he is arriving here, either at the South Station or at the North Station, which he will intimate to the Secretary-hereafter we shall have a full time Secretary for the Council, for which I would be fighting hereafter, the Secretary will make arrangements to send a state car to the Station at which he is arriving with a man with the name given in the amendment-a chaprase properly dressed-seated in the frond seat and the Secretary shall take him to any good house where he will live as befits the Hon'ble Deputy President, the custodian of the rights and privileges of the House, during the days of the sittings of the Council. The amendment proposed by me provides for all this. If any verbal changes have to be made in my amendment to make it fit and proper for a legislative enactment I have that to be done by my Hon'ble friend for Ernakulam or the Hon'ble member for law or both. That may be done even now or later at the third reading of the Bill. I have simply canveyed the idea through my amendment. Therefore, I comment, this amendment to clause 3 of the amending Bill.

***Mr. P. Govinda Menon** *(Eanakulam)*: Sir, With respect to the salary and allowances and the apurtenances proposed by the Hon'ble Member for Vadakkancheri, we are entirely for supporting the idea which the Government have in the proposed amendment. The result of the original clauses 3 and 4 of the payment of Salaries Act is this. The Deputy President will get a salary of Rs. 1,200; then he is entitled to draw the allowances given to ordinary members. The scheme of the present amendment proposed by the Government seems to be this. Hereafter Members of the Council, ordinary members of the Council, will get a salary of Rs. 1,000 and the Deputy President will get Rs. 2,000. That seems to be the idea. This clause, in clause 3 of the amending Bill, that is, travelling and daily allowances as a member of the Council, that means this: that under the amendment as proposed by the Government, members of the Legislative Council are entitled to get travelling allowance and daily allowance for doing work in Select Committees and Standing Finance Committee and such other work which is not usually done in the Legislative Council. The Government proposes to give a salary of Rs. 1,000 to ordinary members and a salary of Rs. 2,000 to the Deputy President and daily allowance and travelling allowance and travelling allowance both to the Deputy President and the ordinary members for work on other days. We are prepared to accept the proposals made by the Government, that is to say, we are for supporting the amendment brought forward by the Government. When the Members of the Legislative Council are given a salary of Rs. 1,000, it is but proper that the Deputy President must be given a salary of Rs. 2,000. Now, I do not sub-scribe to the proposition made by the Hon'ble Member for Vadakkancheri that thereby we are cutting the salary of the Deputy President by Rs. 200.

LIBRARY ARCHIVES Kerala Legislative Assembly

That is not the way to look at the whole thing. The Members will have salary of Rs. 1,000 and the Deputy President who is the elected representative of the Members to sit on Chair when the President is not there, will get Rs. 2,000. We are for retaining that. I am not very much impressed by the proposed chaprasy (laughter). I do not think that if a Deputy President, whom we elect, is not commanding sufficient respect among us and among the public, then chaprasy who accompanies him will not mend matters. And considering the limited nature of the functions of the Deputy President, I do wish to subscribe to the preposterous claim made that he must be supplied with a Government car and all those things. So that the result is I oppose the amendment proposed by the Hon'ble Member for Vadakkancheri.

Rao Bahadur T. S. Narayana Ayyar *(Nominated):* Sir, I whish only to draw the attention of the House to one matter of detail, which I think the Hon'ble Member for Ernakulam did not advert to. That is with regard to clause 2 of section 3. Section 3 as it stands must be taken in its relation to the proviso to section 4. The effect is this. Each non-official member of the Legislative Council gets a consolidated allowance of Rs. 1,000 and travelling and daily allowances for work done by him outside the Council. The Deputy President gets a salary of Rs. 2,000, but the wording is different with regard to travelling and daily allowances. Like the other non-official members he would be entitled to his travelling and daily allowances for work done outside the Council, but under the clause as it stands he would getting travelling and daily allowances for work in the Council also, what other non-official members are not entitiled to.

Mr. M. Sivarama Menon *(Advocate General):* The clause as drafted has got that effect.

Rao Bahadur T. S. Narayana Ayyar *(Nominated):* I only want to bring out the position as it stands. This matter of detail was not adverted to by the Hon'ble Member for Ernakulam and therefore I draw the attention of the House to it.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Mr. President, I have not been convinced by the observations made by the Hon'ble Leader of the Prajamandal party with regard to the amendment apart from the technical side of it. On the merits side I still maintain that the Deputy President of this House should have all that is contemplated by the amendment proposed by me. To me, Sir, the Hon'ble Deputy President is much more than one who is to sit in the Hon'ble President's chair when he is not there. To me, Sir, the Hon'ble Deputy President is much more, very much more than that. I have already explained it. My respectful submission is that the dignity of the Hon'ble Deputy President is contemplated in my amendment. I never meant, Sir, the Chaprasy to add to the dignity of the Hon'ble Deputy President. But forms and appearances have their own plan in the Scheme of things or else why should the Hon'ble Member for Ernakulam and his followers in this House done a cap of the sort they wear. For an officer or for a dignified dignitary when he is in motion we find that there is a Daffadar seated in the front seat of the car. There is nothing more than that in the chaprasy. I took an expression which is seen elsewhere used. That certainly is not what adds to the dignity but it is a necessary thing to be had. In this view of the matter, I press my amendment, Sir, whatever be the attitude of the Prajamandal party.

Motion put and lost

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Poll, Sir.

The House devided

Ayes	*Noes*
Messrs.	Messrs.
1. K. Natarajan Chettiar	1. P. Govinda Menon
2. R. S. Thevanna Gounder	2. V. R. Krishnan Ezhuthassan
3. K. R. Ramakrishnan	3. Puthur Achutha Menon
4. T. K. Nayar	4. P. T. Jacob
5. P. Narayana Menon	5. C. S. Panicker
6. P. Kumaran Ezhuthassan	6. P. K. Paul
7. Paramel Ipe Ipe	7. M. K. Raja
8. M. K. Verghese	8. M. I. Paul
9. S. P. Luiz	9. G. S. Dhara Singh
	10. P. Mani
	11. Thattil Kochuvareed
	12. C. N. Ittiravi Nambudiri
	13. Jos K. Verghess

9 for and 13 against. Motion was therefore lost

Clause 3, put and carried

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Sir, I move that clause 4 (1) be amended as follows.—

Omit the words "does not hold any of the offices referred to in section 2 or 3" and substitute in its place the words "is not a Minister" and at the end of clause 4 (1) put the word 'or' removing the full stop and add—

"(*a*) double first class allowance to and fro,

(*b*) mileage at Re. 1 per mile irrespective of the distance,

(*c*) conveyance allowance at Rs. 5 a day on which he attends Council,

(*d*) daily allowance at the rate of Rs. 10 per day,

(*e*) double third class fare to and fro for an attendant servant with a daily allowance of Rs. 2 per day:

Provided that the member concerned shall intimate to the office his choice before the last day of each year and he shall not be allowed to alter his preference during the whole of the succeeding year".

The result of the amendment will be like this: Every non-official member of the Legislative Council who is not a Minister shall be entitled to receive a consolidated allowance at the rate of Rs. 1,000 per annum or allowances detailed in clauses (*a*) to (*e*) of the amendment which I just now read out with this last proviso. What the non-official members of this House had been getting from the very beginning that is 20 years back up-to now is the travelling and daily allowance allowed from time to time to the first class officers of the State which now stands at 1½ first class railway fare and Rs. 6 per day. That is what we are now getting. What is proposed through clause 1 of clause 4 is a consolidated amount of Rs. 1,000 as far as the work in the Council is concerned and there is provision for travelling allowance and daily allowance for the work though connected with the Council but executed outside the Council, the special committees appointed by this House, the Standing Finance Committee, Select Committees on Bills, etc. That is what is provided. I am sure the amending clause, not my amendment, will have the unanimous support of the house. If I were to move that the Government amendment may be substituted by my amendment I know what result would follow. Therefore it is, Sir, that I have wisely moved only an alternative proposal. The basic proposal of the Government stands as it is in the amending Bill. But to Hon'ble Members whom I need not mention here, whose tastes may not be quite agreeable for drawing a salary, call it by whatever name you like, consolidated allowance or any-thing, of Rs. 1,000 which worked per mensem would be Rs. 80 and odd, I am suggesting an alternative choice through my amendment. There may be Hon'ble Members to whom the idea of drawing such a salary or allowance may be rather disagreeable consistent with their diginity which even apart from their M.L.C.ship they have. The Hon'ble Members of this House, necessarily, have to spend from their pockets their travelling expenses according to their status, status not for the occasion, but status real for all the conforts and conveniences and all that they are generally accustomed to. Even these Hon'ble Members would like to recoupe these amounts spent though they may dislike the idea of any remuneration for their public services. Unless, therefore, there is an alternative provision for Daily allowances, travelling allowances, etc., provided for in the Act, such Hon'ble Members will have to forgo the amount spent by them if they dislike the idea of a pay. Hence my amendment which is only an alternative provision. If my amendment is passed Hon'ble Members get the right to draw pay or allowances as they choose. They are also given the right to change over from one to the other at the end of the year if they wish to do so. So I do not think any sort of technical or other sort of objection will be forthcoming from any quarter of this Hon'ble House as far as this alternative proposal of mine is concerned. The basic idea of Rs. 1,000 for 27 days work in the year stands. Let it be there. But I only want that an alternative choice should be there just to satisfy the tastes of certain members. Some members may prefer daily allowance and travelling allowance to a pay though such allowances will be less than the Rs. 1,000 provided in the Government amendment. There are such persons I know. I believe, if my information is correct, there is a provision in the Madras Salaries and Allowances Act, like this. There is an alternative provision there giving the option to make their choice whether to draw travelling allowance and daily allowance, or to draw the salary with all that salary means. My respectful submission to this House therefore, is that this alternative proposal be accepted unanimously by the House not necessiating a voting. I therefore move that this amendment be accepted by the House.

LIBRARY ARCHIVES Kerala Legislative Assembly

*Mr. P. Govinda Menon *(Ernakulam)*: Mr. President, we are not accepting the amendment proposed by the Hon'ble Member for Vadakkancheri. It was hinted by the Hon'ble Member that there are at least some persons who have got some objection to receiving something by way of salary. I do not think any objection can be raised to members of Legislative Council receiving a salary especially since the Council unanimously voted for a salary to be given to them very recently. Secondly I for one, will never respect the sentiment of a person who refused to take Rs. 1,000 as Rs. 1,000 given in a lump but to take as much or more by way of travelling allowance and daily allowance. That reminds me of a well-known devotee who will not eat in the night his usual food but would require one Edangazhi of milk, half a dozen Dosas and Eddilies in order to keep his fast in tact. That is he won't take any food, he is having Noimbu so to speak a religious Noimbu, any amount of milk, Eddilies and Dosas he will consume and he will get sick because he consumes more than his usual fare. The amendment proposed by my Hon'ble Friend from Vadakkancheri very much looks like that well-known devotee because he evisages a group of people who has objection to receive a salary but who want money and money at what rate? at the rate of one rupee per miles what-ever be the distance. The present rule there is atleast of 5 mile before one is entitled to mileage.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: What is the distance please?

Mr. P. Govinda Menon *(Ernakulam)*: It is five miles or six miles.

Mr. P. Kumaran Ezhuthassan *(Vadakhancheri)*: That simply is not correct.

Mr. P. Govinda Menon *(Ernakulam)*: Then it is three miles or somthing like that.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: That also unfortunately is not correct. My hon'ble friend does not know the existing rule which I want to do away with.

Mr. P. Govinda Menon *(Ernakulam)*: Whatever it is there is a limit. Then he wants double first class, then conveyance allowance of Rs. 5 a day, daily allowance of Rs. 10 a day, etc. I am not saying that it is exorbitant or exagerated. I am not on that. Then double third class for an attendant servant; probably there are two servants a man servant and a maid servant, therefore the double fare *(Laughter)*. My objection is not to the rate proposed but for the supporting of this amendment because of certain persons who have got an objection to receive a salary. Therefore I oppose this amendment.

Mr. P. Kumaran Ezhuthassan *(Vadakkanchèri)*: Sir, after listening to the very amusing objection of my Hon'ble friend representing Ernakulam, I am constrained to reply to the objections raised by him. My Hon'ble friend's objection for accepting this amendment which is only an alternative clause to the clause in the amending Bill, not a substitution, please remember, that is that no Honourable Member should have any objection to receive a salary. He, Sir, indulged in saying that he was reminded of the devotee who, pretending that he is not taking any food, used to consume "Iddalies and Dosas", I seriously doubt whether there is not a personal touch in the whole matter. I honestly believe Sir, that he was only reading to us a page from his personal activities. Now let us have a bit of arithmetic in this matter. Rs. 1,000 for work done within the Legislative Council for 27 days out of 365 days in the year. That is the Government amendment. My Hon'ble friend stated that the rates proposed by me are not exorbitant. These, he concedes to be fair. Simple arithmetic must have then told my Hon'ble friend that allowances drawn for 27 days and four journeys to and fro for the four meetings in the year will be much less than the Rs. 1,000 pay of which he is seen to be much enamoured. Again remember, Sir, mine is only an alternative proposal. The Hon'ble Leader of the Praja Mandal can certainly have his pay of Rs. 1,000.

My Hon'ble friend also rightly conceived a maid-servant in my proposal for double third class fare for an attendant servant. When I said double railway fare, I had all that in my mind, I readily concede *(Laughter)*. I know there might be Hon'ble Members even now and hereafter who will like to move to the seat of the Council not alone, but with their family, necessitating the taking of a maid-servant and a man-servant, and the idea, Sir, is their travelling expences and other expenses also should come from the source from which the other allowances are drawn by the member concerned. But why grudge all that when it can be seen that the amount thus worked out would only be less than the Rs. 1,000; salary to which my Hon'ble Friend clings and wants other Hon'ble Members to cling to? The prime argument is that this is an attempt at getting more than Rs. 1,000 per year by saying that one does not want this Rs. 1,000 as pay but wants that more by subterfuges like the ones he smells in my

*Speech not corrected by the Hon'ble Member.

LIBRARY ARCHIVES Kerala Legislative Assembly

amedment. It was indeed very bad taste, Sir, for an experienced member of the House like the Hon 'ble Member representing Ernakulam and the leader of a Party to indulge in such language when he was on this all-important and necessary amendment which after all is an alterative proposition to the basic proposition which gives the salary. Let him turn his yes, Sir, right and left and he will find there are Hon'ble Members who will, if this alternative suggestion is accepted, certainly give notice to the Secretary to the Council that they want the alternative allowances and not the salaries with the stigma attached to it. Another argument, Sir, of my Hon'ble friend was that it was once before unanimously voted by this House. And so he was insinuating that this Member who is the author of this amendment also voted for this pay. I do admit, Sir, that I did vote. But then I voted under orders.

Mr. P. Govinda Menon *(Ernakulam)*: You spoke for it.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Yes, Sir, I did speak for it. That again was done from the seat which I was then occupying. As a disciplined soldier I had to do what I did. Today with my freedom of expression restored to me I want to see the stigma attached to the pay of Rs. 1,000 for 27 days work in Council. If one Hon'ble Member wants to have only his actual expenses incurred and much smaller than the figure of Rs. 1,000 for his work in the Council, why not be sensible enough to allow him the choice? Give him the option is the only prayer in my amendment. Unless it is provided in the Act there is nobody to heed to his request that he would wish to draw his T. A., and D. A. rather than the 80 and odd ruppees with a stigma attached to it.

Mr. P. Govinda Menon *(Ernakulam)*: Why do you want the present allowances to be enhanced?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Because Sir, I am a practical man.

Mr. P. Govinda Menon *(Ernakulam)*: You want this allowances for other select committees and other meetings also?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: The penetrating eye of the Hon'ble Member for Ernakulam has been unduly penetrating. I am not, Sir, among the hunters of committees. It is left to those who indulge in them. This sort of insinuation will not pay. My Hon'ble Friend may please note. I submit, Sir, that my proposition is only for making provision for exercising a choice if one Hon'ble Member wishes to do so. There is no compulsion at all. He who wants pay let him by all means have it. But he who wants T. A. and D. A. only should also be allowed to have that. The T. A. was under certain circumstances reduced. It was once double first class to and fro. Unlike a person who is residing in Ernakulam and practising a luctrative profession even when the Council sits, a person coming from outside, if he has to serve here effectively has to incur certain minimum expenses. There may not be a single pie left out of what he gets by way T. A. and D. A. The Minister is not expected to save anything out of Rs. 500 that he is getting. Equally an Hon'ble Member who comes here for doing public service should not come in here with the object of earning by hunting after select committees and other committees. That is not the idea of an Hon'ble representative of the public. If one solitary individual at least wants this alternative choice let it be provided for in the Act. If it is not provided in the Act nobody is going to heed to the request for such smaller payment. Therefore I press this amendment whatever the result of the voting. It will at least be an eye opener.

The amendment was put and lost

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: A poll, Sir.

The House divided

Ayes	*Noes*
1. Mr. K. Nataraja Chettiar	1. Mr. P. Govinda Menon
2. ,, R. S. Thevanna Koundan	2. ,, P. Achutha Menon
3. ,, T. K. Nayar	3. ,, P. T. Jacob
4. ,, P. Narayana Menon	4. ,, C. S. Panicker
5. ,, P. Kumaran Ezhuthassan	5. ,, P. K. Paul
	6. ,, M. K. Raja
	7. ,, M. I. Paul
	8. ,, G. S. Dara Singh
	9. ,, P. Mani

Mr. President: The amendment is lost by 5 votes to 9.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: But all the same it has served a purpose.

Sir, my amendment to clause 4 (2) reads thus: "Omit the first three words of that clause and add the words "who are not Ministers" between the words "Council" and "shall"; add a second proviso after the first proviso as follows.—

> "Provided further that the rule that travelling and daily allowances shall not be claimed for the same day will not apply to the members of the Legislative Council"

Clause (1) provides for the payment of T. A. and D. A. to Members, for work done outside the Council. With regard to Select Committees and other Committees Hon'ble Members shall be entitled to T. A. and D. A. allowed to first class officers under the C. S. R.

Now, Sir, I submit that I tabled the amendment to omit the first three words in clause 4 (2) namely "the Minister and" to fit in with the scheme where in the Minister's allowance was proposed to be provided in my first amendment. But because of the first amendment having the fate it had there is no necessity to move the first part of my amendment. I shall move the second part after the House disposes of Mr. Eachara Menon's amendment as desired.

Mr. A. Eachara Menon *(Chittur-Tattamangalam)*: I am persuaded to move this amendment from what I have seen in this Council. The amendment reads as follows.—

> "In the proviso add after '(1)' and before 'shall' the words 'and are residents of Ernakulam'".

"Provided that the non-official members of the Legislative Council who draw the consolidated allowances referred to in sub-section (1) and are residents of Ernakulam shall not be entitled to any T. A. or D. A. for attending the meeting of the Legislative Council". I have seen that Members who reside in Ernakulam go to the Council at 11 O'clock, especially advocates, and go away quarter past 11 and never return to the Council that day. And they also do come some time at 4-55 and then go away, showing their face. We should be a little more just and equitable. They do not come here and they draw the allowance. It is simply to bring this matter before this House that I moved this amendment.

* **Mr. P. Govinda Menon** *(Ernakulam)*: I shall make one observation not against residents of Ernakulam. The idea seems to be that residents of Ernakulam are not entitled to any T. A. If Mr. Eachara Menon's object is to be achieved, then the best thing is to leave the proviso as it is. It will lead to the same result. I am only saying that the idea is over and above the salary, members shall get T. A. as they do get now. That is the idea behind the amendment. If that is so the proviso may be dropped, instead of saying 'and are residents of Ernakulam'. I will make it clear. Section 4 (1) says that evary non-official member of the Legislative Council shall be entitled to receive a consolidated allowance at the rate of Rs. 1,000 per annum. Under section 4 (2), the Minister and other non-official members shall be entitled to receive T.A. and D.A. at such rates as may be prescribed from time to time for first class officers of the Government of Cochin. Then where is the question of D. A. coming in? You will get it if the proviso is dropped. I am suggesting those representing Ernakulam who come and go away. The idea of the proviso is not only that; but even under the amended Act though the non-official members are entitled to an allowance of Rs. 1,000 under this proviso they need not necessarily draw the allowance. If they do not want to draw the allowance at that rate they can have the option of T. A. and D. A. entitled to first class officers. I want to make it clear.

Rao Bahadur T. S. Narayana Ayyar *(Nominated)*: I do not think that the Hon'ble Member for Ernakulam is quite correct, when he states that the object will be achieved by dropping the proviso. I am quite in favour of dropping the proviso altogether. But as I understand Mr. Eachara Menon's amendment he is particular in seeing that the residents of Ernakulam do not get the daily allowance.

Mr. President: Is the Hon'ble Member pressing the amendment?

Mr. A. Eachara Menon *(Chittur-Tattamangalam)*: I do not press the motion.

Amendment, by leave, withdrawn.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Sir, I move that the following be added as a second proviso after the first.

> "Provided further that the rule that travelling and daily allowance shall not be claimed for the same day will not apply to the non-official members of the Legislative Council."

* Speech not corrected by the Hon'ble Member.

LIBRARY ARCHIVES Kerala Legislative Assembly

The acceptance of the proviso will save a lot of unpleasantness in the preparation of the T. A. bills submitted by the Hon'ble Members who have got the trouble of conscience. T. A. meant allowance for travel. D. A. means the allowance to cover the daily expenses. When both are incurred by any Member whether on the same day or on different days it is only reasonable that both be paid to him. Further explanation is not necessary. I shall therefore simply place the amendment before the House for its acceptance.

Amendment put and carried.

Clause 4 (2) as amended put and carried.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Mr. President, I move the following amendment to clause (1).

"Substitute the words and figures "15th day of Mithunam 1120" for "29th day of Vrischigam 1121".

When a Bill is passed normally, it takes effect from the day on which it is assented to by H. H. the Maharaja. Now retrospactive effect is proposed to be given to this amending Act from the 29th of Vrischigam 1121. My amendment seeks to give retrospective effect from the 15th Mithunam 1120. There is a reason why it should be so. A portion of this Bill is connected with a certain unique event that took place on the 29th Vrischigam 1121. That may be the reason for the Government fixing that day, My reason for substituting the 15th of Mithunam 1120 is that this Council started its life on the 15th day of Mithunam 1120. Let it not be a case of during one period of the life of this Council a particular rate of T. A. and D. A. was had to the Members and for another period a different thing namely pay. It is to give uniformity that I propose through my amendment that the benefit of this Act should be given from the very day on which this Council started its life. Hence this amendment which I place before the house for its' unanimous acceptance.

Mr. B. V. K. Menon *(Chief Secretary to Government):* We are opposing that amendment on the ground that one of the purposes of introducing this Bill was to give effect to an order made by His Highness in the recent celebrations and Government think that it will not be proper to give retrospective effect prior to the day of announcement. Another thing is practically there would be a great deal of difficulty for making the adjustment because the T. A. for the prior period has already been drawn.

Mr. T. K. Nayar *(Pazhayannur):* In that announcement is it not stated that it is to commence from the next Malayalam year? Then why this change?

Mr. B. V. K. Menon *(Chief Secretary to Government):* Subsequently it was revised.

Mr. T. K. Nayar *(Pazhayannur):* Why not you again revise? If His Highness's orders have to be upheld strictly we have to give effect to it only from the next Malayalam year. But here is an amendment to still reconsider and go back to 15th Mithunam 1120.

Mr. President: I think the noes have it.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Poll, Sir.....

The House divided.

Ayes	*Noes*
1. Mr. K. Natarajan Chettiar	1. Rao Sahib A. Madhava Prabhu
2. ,, R. S. Thevanna Kounden	2. Mr. B. V. K. Menon
3. ,, T. K. Nayar	3. ,, C. J. Mathew
4. ,, P. Narayana Menon	4. ,, K. S. Raghavan
5. ,, P. Kumaran Ezhuthassan	5. ,, M. Sivarama Menon
6. ,, A. Eachara Menon	6. ,, S. Venkiteswaran
7. ,, K. T. Achuthan	7. Rao Sahib M. M. Paul
8. ,, K. S. Panicker	8. Rao Sahib I. N. Menon
9. ,, Paramel Ipe Ipe	9. Rao Sahib P. V. Raphael
10. ,, K. K. Kannan	
11. ,, M. K. Verghese	
12. ,, P. K. Dewer.	
13. ,, K. Kochukuttan	

Mr. President. 13 for and 9 against. The motion is carried.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I pray, Sir, that the neutrals also be counnted.

Mr. President: No, Sir.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* You had promised to give a ruling on that point.

Mr. President: The Hon'ble Member is misstating what I said. What I said was that I would look the matter up. I have looked it up and have confirmed my recollection that on the first day when this question was raised before me I had given a considered opinion. I still adhere to the same opinion.

Clause 1 as amended put and carried

The Title and Preamble put and carried

Mr. B. V. K. Menon *(Chief Secretary to Government):* I move that the Bill be taken up for final consideration to-morrow.

Mr. M. Sivarama Menon *(Advocate-General):* I second it.

Motion put and Carried

The Hause rose for the day at 5 p.m.

N. S. RADHAKRISHNA SARMA
Secretary to the Council

APPENDIX I

(Please see Answer to Qusetion No. 203)

വില്ലേജ് കോടതി	നായന്മാർ	ബ്രാഹ്മണർ	ഇഴവർ	ലത്തീൻ ക്രിസ്ത്യാനികൾ	സിറിയൻ കത്തോലിക്കർ
എറണാകുളം	൪,൨൩൩	൪,൫൬൫	൪,൩൭൨	൫൫,൭൮൨	൩,൯൨൩
മട്ടാഞ്ചേരി	൫,൩൩൦	൩,൨൯൫	൪,൨൨൪	൫൨,൫൩൦	൩,൯൩൭

APPENDIX II

MINUTES OF THE STANDING FINANCE COMMITTEE MEETING

Saturday, *the* $\frac{\textit{26th January 1946.}}{\textit{13th Makaram 1121.}}$

The Standing Finance Committee of the Cochin Legislative Council met today at 12 noon in the Diwan's Room in the Secretariat to examine the Demands under Supplementary Grants.

Present.—

Rama Varmha Tampuran, M. B. E., M. A., B.Sc., Barrister-at-Law, Chief Secretary to Government } Chairman.
M. R. Ry. B. V. K. Menon Avl., B.A., B.L., Secretary to Government.
" Rao Sahib P. V. Raphael Avl., M.A. (Hons.) Comptroller of Finance and Accounts.
" A. Eachara Menon Avl., B.A.
" P. Achutha Menon Avl., B.A.. B.L.
" N. S. Radhakrishna Sarma Avl., M.A., B.L., Secretary to the Council.

Mr. P. Achutha Menon stated that notice of the demands and the notes even items covering large amounts were received only very late and that in respect of some demands they got notice only shortly before the meeting commenced. He pointed out that notice of the demands and the notes explaining the demands should be circulated sufficiently early to the members of the Standing Finance Committee. The Chairman stated that strict orders will be issued in the matter.

LIBRARY ARCHIVES Kerala Legislative Assembly

APPENDIX III

THE COCHIN PAYMENT OF SALARIES AND ALLOWANCES ACT (AMENDMENT) BILL

Whereas it is expedient to amend the Cochin Payment of Salaries and Allowances Act, XXXI of 1113, for the purposes hereinafter appearing; It is hereby enacted as follows.—

1. *Short title and commencement.*—This Act may be called the Cochin Payment of Salaries and Allowances (Amendment) Act of 112 and shall be deemed to have come into force on the 29th day of Vrischigam 1121.

2. *Amendment of section 2.*—In section 2 of the Cochin Payment of Salaries and Allowances Act, XXXI of 1113, hereinafter referred to as the Act; for the figure "500" the figure "850" shall be substituted.

3. *Amendment of section 3.*—In section 3 of the Act—

(1) for the figure "1,200" the figure "2,000" shall be substituted; and

(2) for the words "his allowances as a member of the Council" the words "travelling and daily allowances as a member of the Council under sub-section (2) of section 4" shall be substituted.

4. *Substitution of section 4.*—For section 4 of the Act the following shall be substituted, namely.—

"4. (1) Every non-official member of the Legislative Council who does not hold any of the offices referred to in section 2 or section 3 shall be entitled to receive a consolidated allowance at the rate of Rs. 1,000 per annum.

(2) The Minister and the non-official members of the Legislative Council shall be entitled to receive travelling and daily allowances at such rates as may be prescribed from time to time for first class officers of Government in the Cochin Service Regulations:

Provided that the non-official members of the Legislative Council who draw the consolidated allowance referred to in sub-section (1) shall not be entitled to any travelling allowance or daily allowance for attending the meeting of the Legislative Council."

LIBRARY ARCHIVES Kerala Legislative Assembly